

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #10	CCRB Case #: 201910584	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/06/2019 12:50 PM	Location of Incident: Front of § 87(2)(b)	18 Mo. SOL 1/21/2022	Precinct: 44		
Date/Time CV Reported Wed, 12/11/2019 10:37 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/11/2019 10:37 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT DS Alexander Rapp	02234	943719	GVSD Z2
2. DT3 Robert Altieri	05519	949994	GVSD Z2
3. DT3 Brandon Ravelo	04551	948409	GVSD Z2
4. An officer			GVSD Z2

Officer(s)	Allegation	Investigator Recommendation
A.SGT DS Alexander Rapp	Abuse: Sergeant Alexander Rapp stopped § 87(2)(b)	§ 87(2)(b)
B.DT3 Robert Altieri	Abuse: Detective Robert Altieri stopped § 87(2)(b)	§ 87(2)(b)
C.DT3 Brandon Ravelo	Abuse: Detective Brandon Ravelo stopped § 87(2)(b)	§ 87(2)(b)
D. An officer	Abuse: An officer frisked § 87(2)(b)	§ 87(2)(b)
E. An officer	Abuse: An officer searched § 87(2)(b)	§ 87(2)(b)
F.DT3 Brandon Ravelo	Discourtesy: Detective Brandon Ravelo spoke discourteously to § 87(2)(b)	§ 87(2)(b)
G.DT3 Brandon Ravelo	Discourtesy: Detective Brandon Ravelo spoke discourteously to § 87(2)(b)	§ 87(2)(b)
H.DT3 Brandon Ravelo	Off. Language: Detective Brandon Ravelo made remarks to § 87(2)(b) based upon gender.	§ 87(2)(b)
I.DT3 Brandon Ravelo	Force: Detective Brandon Ravelo used physical force against § 87(2)(b)	§ 87(2)(b)
J.DT3 Brandon Ravelo	Discourtesy: Detective Brandon Ravelo spoke discourteously to § 87(2)(b)	§ 87(2)(b)
K.DT3 Brandon Ravelo	Abuse: Detective Brandon Ravelo threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
L.DT3 Brandon Ravelo	Force: Detective Brandon Ravelo used physical force against § 87(2)(b)	§ 87(2)(b)
M.DT3 Brandon Ravelo	Abuse: Detective Brandon Ravelo threatened to arrest § 87(2)(b)	§ 87(2)(b)
N.SGT DS Alexander Rapp	Abuse: Sergeant Alexander Rapp refused to provide his name to § 87(2)(b)	§ 87(2)(b)
O.DT3 Robert Altieri	Abuse: Detective Robert Altieri refused to provide his name to § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
P.DT3 Brandon Ravelo	Abuse: Detective Brandon Ravelo refused to provide his name to § 87(2)(b)	
Q.SGT DS Alexander Rapp	Abuse: Sergeant Alexander Rapp refused to provide his shield number to § 87(2)(b)	
R.DT3 Robert Altieri	Abuse: Detective Robert Altieri refused to provide his shield number to § 87(2)(b)	
S.DT3 Brandon Ravelo	Abuse: Detective Brandon Ravelo refused to provide his shield number to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On December 11, 2019, § 87(2)(b) called the CCRB and filed the following complaint.

On December 6, 2019, at approximately 12:50 a.m., § 87(2)(b) was walking to his girlfriend, § 87(2)(b) apartment building at § 87(2)(b) in the Bronx, when he noticed an unmarked car following him. When he arrived in front of § 87(2)(b), § 87(2)(b) walked toward the unmarked car as Sergeant Alexander Rapp, Detective Robert Altieri, and Detective Brandon Ravelo, of the Gun Violence Suppression Division, exited their vehicle and allegedly stopped § 87(2)(b) (**Allegations A, B, and C: Abuse of Authority-Stop**, § 87(2)(g)). Once stopped, § 87(2)(b) alleged that either Det. Ravelo or Det. Altieri patted down his exterior and searched his pants pockets, while the other officer searched through § 87(2)(b) coat, which he had discarded (**Allegation D: Abuse of Authority-Frisk**, § 87(2)(g)). § 87(2)(b) (**Allegation E: Abuse of Authority-Search (of person)**, § 87(2)(g)). Det. Altieri asked § 87(2)(b) why he had been dragging his coat, and when § 87(2)(b) responded, “I’m not allowed to drag my coat?” Det. Ravelo allegedly replied, “You’re being a dick,” to § 87(2)(b) (**Allegation F: Discourtesy-Word**, § 87(2)(g)). § 87(2)(b) told Det. Ravelo, “Suck my dick,” and Det. Ravelo allegedly said, “What? Pull it out, so I could see it.” § 87(2)(b) pulled his pants down and pulled his penis out. Det. Ravelo laughed and said, “that’s fucking little,” and, “that shit little,” in reference to § 87(2)(b) genitals (**Allegation G: Discourtesy-Word**, § 87(2)(g)). § 87(2)(b) (**Allegation H: Offensive Language-Gender**, § 87(2)(g)). § 87(2)(b) walked toward Det. Ravelo who pushed him with both hands to § 87(2)(b) chest, causing him to fall back several feet and onto the ground (**Allegation I: Force-Physical Force**, § 87(2)(g)). § 87(2)(b) girlfriend, § 87(2)(b) came downstairs from her apartment and § 87(2)(b) began arguing back and forth with the officers. When § 87(2)(b) stood up, Det. Ravelo allegedly told him, “If you get any closer to me, I’m going to fuck you up” (**Allegation J: Discourtesy-Word**, § 87(2)(g)). § 87(2)(b) (**Allegation K: Abuse of Authority-Threat of Force**, § 87(2)(g)). Det. Ravelo then slapped § 87(2)(b) hand away, and threatened to arrest him (**Allegation L: Force-Physical Force**, § 87(2)(g)). § 87(2)(b) (**Allegation M: Abuse of Authority-Threat of Arrest**, § 87(2)(g)). § 87(2)(b) requested each of the officers’ names and shield numbers, which Sgt. Rapp, Det. Altieri, and Det. Ravelo each allegedly refused to provide (**Allegations N, O, and P: Abuse of Authority-Refusal to Provide Name**, § 87(2)(g)). § 87(2)(b) (**Allegations Q, R, and S: Abuse of Authority-Refusal to Provide Shield**, § 87(2)(g)). The officers left the scene, and § 87(2)(b) and § 87(2)(b) went inside. § 87(2)(b) was neither arrested nor issued any summonses as a result.

§ 87(2)(g), § 87(4-b)

The investigation obtained BWC footage from Sgt. Rapp’s, Det. Altieri’s, and Det. Ravelo’s (**Board Review 01-04**), which captured part of this incident.

Findings and Recommendations

Allegation A—Abuse of Authority: Sergeant Alexander Rapp stopped § 87(2)(b)

Allegation B—Abuse of Authority: Detective Robert Altieri stopped § 87(2)(b)

Allegation C—Abuse of Authority: Detective Brandon Ravelo stopped § 87(2)(b)

Allegation D—Abuse of Authority: An officer frisked § 87(2)(b)

Allegation E—Abuse of Authority: An officer searched § 87(2)(b)

Allegation H—Discourtesy: Detective Brandon Ravelo spoke discourteously to § 87(2)(b)

When he initially filed this complaint, § 87(2)(b) stated, (BR05) that on December 9, 2019, at approximately 2:00 a.m. (which the investigation determined, in fact, occurred on December 6, 2019, at approximately 12:50 a.m.), that he got off the BX 32 bus at the corner of Morris Avenue and 156th Street and began walking to his girlfriend, § 87(2)(b) home at

§ 87(2)(b) in the Bronx. As § 87(2)(b) walked along Park Avenue, wearing headphones in his ears and was dragging his winter coat on the ground, he noticed an unmarked car, containing Sergeant Rapp, Det. Altieri, and Det. Ravelo, driving beside him.

§ 87(2)(b) said that the officers seemed to be trying to talk to him, but he could not hear them as he was wearing headphones. § 87(2)(b) continued walking toward § 87(2)(b) building as the unmarked car continued driving along side of him. Upon arrival at § 87(2)(b) § 87(2)(b) walked up the entrance steps, and when he turned around saw the unmarked car parked in front of the building. Since § 87(2)(b) thought that the officers were trying to talk to him, he removed his headphones, placed his winter coat down on a cement block by the building entrance, and walked up to the police car.

As § 87(2)(b) approached, Sgt. Rapp, Det. Altieri, and Det. Ravelo exited their vehicle, and Det. Ravelo said to § 87(2)(b) “Don’t intimidate me. What are you doing?” In response, § 87(2)(b) raised his arms out by his sides to show the officers his hands were empty. Det. Ravelo patted down § 87(2)(b) torso and legs and searched inside both of § 87(2)(b) pants pockets, which he told § 87(2)(b) was to make sure he did not have anything he was not supposed to have. While Det. Ravelo frisked and searched him, § 87(2)(b) said that Det. Altieri searched through his coat pockets at the top of the stairs where he had dropped it. Det. Altieri asked why he was dragging his coat, and § 87(2)(b) asked, “I’m not allowed to drag my coat?” In response, Det. Ravelo told § 87(2)(b) he was “being a dick.”

§ 87(2)(b) did not see § 87(2)(b) initial interaction with the officers (**BR11**)

The investigation obtained Sgt. Rapp’s, Det. Altieri’s, and Det. Ravelo’s BWC footage (**BR01-BR04**), which captured part of this incident. However, since the officers did not activate their BWCs until the physical altercation between § 87(2)(b) and Det. Ravelo transpired § 87(2)(b)

§ 87(4-b)

§ 87(2)(b) Det. Ravelo’s BWC captured the most relevant footage pertaining to the above allegations, as described below.

Det. Ravelo’s BWC (**BR01**) video begins without audio, and shows § 87(2)(b) faced away from the camera, speaking to Det. Altieri and Sgt. Rapp. While conversing with the officers, § 87(2)(b) looks through his phone, and at 00:32, § 87(2)(b) turns toward Det. Ravelo and appears to speak with him. At 00:45, § 87(2)(b) walks towards Det. Ravelo, and at 00:55, § 87(2)(b) bends toward Det. Ravelo to apparently read his badge number. Det. Ravelo’s BWC footage does not show any officer frisk, search, or make any other physical contact with § 87(2)(b) and neither shows § 87(2)(b) coat, the alleged location where it was dropped, nor any officer frisk or search § 87(2)(b) coat. While the footage does not capture Det. Ravelo tell § 87(2)(b) “You’re being a dick,” in their initial interaction, near the conclusion of the incident, at 10:05 of his BWC (**BR01**), Det. Ravelo tells § 87(2)(b) “Do me a favor, next time, keep your dick in your pants.”

While Sgt. Rapp’s (**BR06**) and Det. Ravelo’s (**BR07**) testimonies were generally consistent, Det. Altieri’s (**BR08**) testimony differed in several respects, as detailed below.

At the time of the incident, Sgt. Rapp, Det. Altieri, and Det. Ravelo were conducting patrol, driving northbound on Park Avenue in the Bronx, when they observed § 87(2)(b) walking alone and dragging his winter coat on the ground.

Sgt. Rapp (**BR06**) and Det. Ravelo (**BR07**) said that one of them asked § 87(2)(b) if he was alright and told him he was dragging his coat, and § 87(2)(b) replied in a hostile manner, stating, “suck my dick...don’t worry about what I’m doing.” While Sgt. Rapp and Det. Ravelo both acknowledged it seemed odd that § 87(2)(b) was dragging his coat and raised their suspicions about him, they both denied that they had stopped § 87(2)(b) at this point, and were interacting with him solely to inform him he was dragging his coat. Sgt. Rapp and Det. Ravelo stated that § 87(2)(b) continued to walk and drag his coat until he reached § 87(2)(b) wherein he dropped the coat near the entrance and suddenly sprinted toward the officers’ unmarked vehicle. Sgt. Rapp and Det. Ravelo explained that their suspicions were further raised when § 87(2)(b)

dropped his coat suddenly, because, based on their experience, when individuals suddenly abandon property like a coat and run away, it often contains firearms or contraband.

In contrast, Det. Altieri stated (BR08) that as he drove alongside § 87(2)(b) the two of them “made eye contact,” wherein § 87(2)(b) appeared nervous, and looked at Det. Altieri like “a deer in headlights.” Det. Altieri stated that immediately after they made eye contact, § 87(2)(b) dropped his jacket in between two parked vehicles, and continued walking without it. As a result of his conduct, Det. Altieri suspected § 87(2)(b) had “something in the coat,” he was not supposed to have. Det. Altieri stopped the unmarked vehicle in front of the incident location, exited the vehicle and called out to § 87(2)(b) announcing that he was a detective, and ordering him to stop. However, § 87(2)(b) continued walking away. Det. Altieri walked after § 87(2)(b) and after calling out to him a few more times, § 87(2)(b) stopped and turned around. Det. Altieri stated that there were no other factors that led him to stopping § 87(2)(b) besides § 87(2)(b) suddenly abandoning his jacket after they made eye contact.

While Sgt. Rapp (BR06) and Det. Ravelo (BR07) acknowledged that one of the officers went over to § 87(2)(b) coat to check it for weapons, neither could recall which officer, in fact, checked the coat, nor whether the check was limited to an exterior frisk or also included an interior search. In contrast, Det. Altieri (BR08) stated that Det. Ravelo went over and picked up the coat, while he spoke with § 87(2)(b) although he could not recall if Det. Ravelo searched § 87(2)(b) coat. Sgt. Rapp (BR06), Det. Ravelo (BR07), and Det. Altieri (BR08) could not recall whether they personally frisked or searched § 87(2)(b) or recalled witnessing any other officer frisk and search him. Det. Ravelo did not recall telling § 87(2)(b) “You’re being a dick,” and none of the officers recalled any officer make the aforementioned remark to § 87(2)(b).

Due to the lack of any relevant BWC footage, independent witnesses, or other documentary evidence pertaining to the inception of this incident, the investigation’s analysis was limited to the conflicting testimonies of § 87(2)(b) and the officers in reaching dispositions to the allegations above. Additionally, given that the officers were identified and interviewed approximately a year and a half after the incident, their recollection of details not captured on video or documented may have been hindered.

§ 87(2)(b) Sgt. Rapp’s, and Det. Ravelo’s accounts were generally consistent in that rather than the officers initiating the encounter by conducting a stop, § 87(2)(b) approach of their unmarked vehicle initiated the interaction. However, in contrast, Det. Altieri testified that, in his recollection, he initiated the interaction by deciding to stop § 87(2)(b) after observing him abandon his coat. Additionally, while § 87(2)(b) alleged that Det. Ravelo frisked and searched him, none of the officers recalled frisking or searching § 87(2)(b) nor thought there were any reasons to do so. Furthermore, while § 87(2)(b) alleged that Det. Altieri searched through his coat, Det. Altieri testified that Det. Ravelo picked up § 87(2)(b) coat, although he could not recall whether he searched it. Further conflicting, Sgt. Rapp and Det. Ravelo stated that they thought one of the officers may have checked § 87(2)(b) coat for weapons, though neither was able to identify which officer they thought may have conducted the search, nor describe the extent, or the particular areas searched, therein. Finally, Det. Ravelo did not recall telling § 87(2)(b) “You’re being a dick,” and neither of his partners recalled him make the aforementioned remark to § 87(2)(b).

§ 87(2)(g)

Due to the disparate accounts, and lack of any video footage pertaining to the alleged frisk and search, the investigation was unable to credit either § 87(2)(b) or the officers’ accounts over the others. Furthermore, given that none of the officers recalled frisking or searching § 87(2)(b) themselves, or thought there were any reasons to do so, the investigation ultimately could not

determine which officer, if any, frisked § 87(2)(b) or searched him or his coat. § 87(2)(g)

Officers must value human life, respect the dignity of each individual, and render services with courtesy and civility. Officers are expected to maintain a higher degree of integrity than is expected from others. NYPD Patrol Guide, Procedure 200-02 (BR17).

While none of the BWC footage captures Det. Ravelo tell § 87(2)(b) “You’re being a dick,” as alleged, all of the obtained BWC footage begins after the point that § 87(2)(b) alleged the comment was made. Additionally, while Det. Ravelo did not recall making the aforementioned remark, and neither of his partners recalled hearing him make the remark, the BWC footage does capture Det. Ravelo use the word “dick,” in reference to § 87(2)(b) genitals. § 87(2)(g)

Allegation G—Discourtesy: Detective Brandon Ravelo spoke discourteously to § 87(2)(b)

Allegation H—Offensive Language: Detective Brandon Ravelo made remarks to § 87(2)(b) based upon gender.

Allegation I—Force: Detective Brandon Ravelo used physical force against § 87(2)(b)

When § 87(2)(b) (BR04) asked the officers if he was not allowed to drag his coat, Det. Ravelo replied, “Oh, you’re still being a dick?” § 87(2)(b) replied, “Suck [his] dick,” and in response, Det. Ravelo told him to, “pull [his genitals] out, so I could see it.” § 87(2)(b) pulled his pants down and exposed his genitals to Det. Ravelo, who laughed at § 87(2)(b) and told him, “that thing is little,” referring his genitals. § 87(2)(b) put his penis back in his pants and began to turn around and walk away, but Det. Ravelo pushed § 87(2)(b) with both hands against his chest, causing § 87(2)(b) to fall back and hit his head on the ground. As § 87(2)(b) began to stand up, Det. Ravelo, Det. Altieri, and Sgt. Rapp rushed towards him and surrounded him, and § 87(2)(b) lay back down on the ground. The officers repeatedly asked § 87(2)(b) if he needed an ambulance, but he did not respond to them as he was not injured and did not request an ambulance. § 87(2)(b) heard yelling outside her window and observed § 87(2)(b) already on the ground (BR11).

Det. Ravelo’s BWC (BR01) at 01:00, shows him holding his shield out to § 87(2)(b) and asks, “You got it? Let me know when you got it.” § 87(2)(b) says, “Hold up, hold up,” while moving his hands, out-of-frame, apparently near his waist. Det. Ravelo says, “Go ahead, whip it out.” § 87(2)(b) adjusts his waistband and then says, while looking down towards his groin area, “See that shit,” in reference to his exposed genitals, as corroborated by Det. Altieri’s BWC footage at 00:00 (BR02) which shows § 87(2)(b) exposing his genitals to Det. Ravelo. Det. Ravelo’s BWC (BR01) captures him telling § 87(2)(b) “that thing little. That’s fucking little. That shit little,” in apparent reference to his genitals. At 01:10 of Det. Ravelo’s BWC, when § 87(2)(b) steps close enough to Det. Ravelo to completely darken and obscure the footage, while looking downward and repeating the phrase, “You see that shit?” Det. Ravelo abruptly pushes § 87(2)(b) with two hands. § 87(2)(b) flies back several feet and falls onto the ground. Det. Ravelo says, “My man, don’t come up on me... You heard me?... You done?”

Det. Ravelo stated (BR06) that throughout the incident, § 87(2)(b) was making statements like, “Suck my dick,” to all three officers. § 87(2)(b) asked the officers for their names and shield numbers. Det. Altieri and Sgt. Rapp provided their information to § 87(2)(b) and then reentered their vehicle. § 87(2)(b) then approached and asked Det. Ravelo for his information and, consistent with his BWC footage (BR01), Det. Ravelo lifted his shield up for § 87(2)(b) to record. As Det. Ravelo did this, § 87(2)(b) began unbuckling his belt as he was saying things like, “suck my dick.” Det. Ravelo said, “yeah go ahead, no problem. Whip it out.” § 87(2)(b) then took his penis

out of his pants. Det. Ravelo acknowledged that he told § 87(2)(b) to “put that little thing away,” in reference to his genitals, and explained that he made the comments in order to joke around and deescalate the situation. Det. Ravelo added that he said, “go ahead, whip it out,” to § 87(2)(b) he was already in the process of exposing himself. § 87(2)(b) stepped closer to Det. Ravelo and attempted to touch Det. Ravelo’s leg with his exposed penis. In response, Det. Ravelo pushed § 87(2)(b) in the chest with two open hands, causing him to fall backwards onto the ground. Det. Ravelo stated that he pushed § 87(2)(b) away from him because § 87(2)(b) was invading his personal space and trying to touch him with his penis.

During his interview (BR06), Det. Ravelo was presented with his BWC footage. After reviewing the footage, Det. Ravelo acknowledged it showed him saying, “go ahead, whip it out,” “that shit little,” and “that thing is fucking little,” while speaking with § 87(2)(b) after he exposed his genitals. Det. Ravelo explained that he made the aforementioned remarks in an attempt to deescalate the situation with § 87(2)(b). Det. Ravelo stated that when he used the words “fucking” and “shit,” they were not directed at § 87(2)(b) and explained that he used this language to speak to § 87(2)(b) in the way he was talking to him in an attempt to deescalate.

Officers must value human life, respect the dignity of each individual, and render services with courtesy and civility. Officers are expected to maintain a higher degree of integrity than is expected from others. NYPD Patrol Guide, Procedure 200-02 (BR17).

Officers are prohibited from 1.) Using discourteous or disrespectful remarks regarding another person’s age, ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability. [...] 2.) Engaging in conduct prejudicial to good order, efficiency, or discipline of the Department, NYPD Patrol Guide, Procedure 203-10 (BR09).

Det. Ravelo acknowledged his use of the phrases, “that shit little,” and “that thing is fucking little,” in conversation with § 87(2)(b) after he exposed his genitals. Det. Ravelo explained that the reason he used the aforementioned remarks was in an attempt to deescalate the situation by speaking to § 87(2)(b) in the way he was talking to him. However, his BWC (BR01) shows that rather than deescalate the situation, Det. Ravelo’s remarks escalated the encounter, wherein § 87(2)(b) went from exposing his genitals, to attempting to touch Det. Ravelo with his genitals. Furthermore, even if Det. Ravelo believed that making the remarks— “go ahead, whip it out,” “that shit little,” and “that thing is fucking little,”—would deescalate the interaction, § 87(2)(b)

§ 87(2)(b) Finally, by repeatedly calling § 87(2)(b) penis small, Det. Ravelo’s remarks were offensive gendered comments as they served to emasculate § 87(2)(b) § 87(2)(g)

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. [...] In determining whether the use of force is reasonable, members of the service should consider the following: (a.) The nature and severity of the crime/circumstances (b.) Actions taken by the subject (c.) Duration of the action (d.) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders (e.) Whether the subject is actively resisting custody (f.) Whether the subject is attempting to evade arrest by flight (g.) Number of subjects in comparison to the number of MOS (h.) Size, age, and condition of the subject in comparison to the MOS (i.) Subject’s violent history, if known (j.) Presence of hostile crowd or agitators (k.) Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence. Members of service shall not use any level of force to punish or retaliate. NYPD Patrol Guide, Procedure 221-01 (BR10).

§ 87(2)(b) said that after exposing his genitals to Det. Ravelo, he put them back in his pants and began to walk away when Det. Ravelo pushed him, causing him to fall onto the ground. By contrast, Det. Ravelo said that § 87(2)(b) walked toward him and attempted to touch Det.

Ravelo's leg with his exposed penis. Det. Ravelo's BWC corroborated Det. Ravelo's account of § 87(2)(b) walking right up to him immediately preceding his push.

§ 87(2)(b) action of attempting to touch Det. Ravelo's leg with his exposed penis § 87(2)(g). However, as seen on the BWC footage, Det. Ravelo pushed § 87(2)(b) hard enough that he flew back several feet onto the ground where he hit his head. § 87(2)(g)

Allegation J—Discourtesy: Detective Brandon Ravelo spoke discourteously to § 87(2)(b)

Allegation K—Abuse of Authority: Detective Brandon Ravelo threatened § 87(2)(b) with the use of force.

Allegation L—Force: Detective Brandon Ravelo used physical force against § 87(2)(b)

Allegation M—Abuse of Authority: Detective Brandon Ravelo threatened to arrest § 87(2)(b)

After falling to the ground and arguing with the officers for several minutes, § 87(2)(b) stated (BR05), that he stood up, positioned his right hand "in the shape of a gun," and put it approximately one foot away from Det. Ravelo's face and said, "Bitchass cop, who the fuck do you think you is." Det. Ravelo allegedly replied, "if you get any closer to me, I'm going to fuck you up," and then slapped § 87(2)(b) hand away, causing him pain. § 87(2)(b) took a step back, and continued to curse at Det. Ravelo, who, in turn, continued to tell § 87(2)(b) that if he got close to him, he would "fuck him up."

§ 87(2)(b) § 87(2)(b) girlfriend, stated (BR11), that shortly after she came outside, § 87(2)(b) stood up and got about an arm's length away from Det. Ravelo. § 87(2)(b) described § 87(2)(b) as "just talking," with Det. Ravelo, and did not recall § 87(2)(b) doing anything with his arms. § 87(2)(b) stated that after § 87(2)(b) stood up, Det. Ravelo extended one arm out, pushed § 87(2)(b) lightly, and told § 87(2)(b) that if he got any closer to him, he would have to defend himself. § 87(2)(b) did not believe that light push Det. Ravelo gave § 87(2)(b) that would have caused him pain. Additionally, § 87(2)(b) did not hear the officers use profanity during the incident.

At 07:20 of Det. Ravelo's BWC (BR01), the footage shows § 87(2)(b) stand from a sitting position, wherein Det. Ravelo asks if he need an ambulance. § 87(2)(b) says, "Umm," while looking down the block and leaning toward Det. Ravelo. At 07:54, Det. Ravelo is heard telling § 87(2)(b) "if you invade my space again, the same thing is going to happen..." § 87(2)(b) appears confused, and says, "I don't know you." Det. Ravelo repeats, "If you want to get put down again, invade my space. I gave you that warning." At 08:00, § 87(2)(b) points his finger close to Det. Ravelo's face and Det. Ravelo appears to swat his hand at § 87(2)(b) hand, and says, "I'm not going to tell you again." § 87(2)(b) backs up a few steps. However, the BWC footage does not explicitly show whether Det. Ravelo made contact with § 87(2)(b) hand, and does not capture Det. Ravelo utter the remark that he will "fuck § 87(2)(b) up," or otherwise use profanity. At 09:10 of his BWC (BR01), § 87(2)(b) challenges Det. Ravelo to "push [him] on the floor, again." Det. Ravelo tells § 87(2)(b) that if he invades his space again, he will not only push him, but will also place him under arrest. § 87(2)(b) replies, "I bet you I don't."

Det. Ravelo stated (BR07) that, after pushing § 87(2)(b) away from him, he told § 87(2)(b) to get up and leave the area. When § 87(2)(b) refused to stand up, the officers asked if he was hurt. § 87(2)(b) did not answer and took his phone out and made a phone call. Det. Ravelo told Sgt. Rapp to call an ambulance, which he stated was in order to make sure that § 87(2)(b) was not injured. While § 87(2)(b) was on the ground, he made multiple remarks to the officers, and while Det. Ravelo could not recall the entire substance of their conversation, he recalled § 87(2)(b) making a statement along the lines of, "a cop's job is to die," as corroborated by his BWC footage at 03:50 (BR01), which Det. Ravelo believed to be a threatening statement. Det. Ravelo did

not recall § 87(2)(b) putting his finger in front of his face, slapping his hand away, nor recalled telling § 87(2)(b) that, “if you get close to me again, I’ll fuck you up.” When asked, Det. Ravelo acknowledged he believed § 87(2)(b) could have been arrested, at this point during the incident, for sexual misconduct, attempted assault, and disorderly conduct.

During his interview (BR07), Det. Ravelo was presented with the aforementioned BWC footage. After reviewing the footage, Det. Ravelo acknowledged that, at 07:54 of his BWC, his voice can be heard saying, “if you invade my space again, I’m going to put you down.” Det. Ravelo explained that he made the remark to inform § 87(2)(b) that if he came towards him again, he would push him again. Additionally, Det. Ravelo acknowledged that, at 09:20 of his BWC, his voice is heard telling § 87(2)(b) that if he invaded his space, he would be arrested. Det. Ravelo explained that at this point, in addition to exposing his genitals and attempting to touch him with it, § 87(2)(b) was menacing and threatening Det. Ravelo and could have been arrested for sexual misconduct and attempted assault.

Notwithstanding § 87(2)(b) claim that Det. Ravelo stated, “if you get any closer to me, I’m going to fuck you up,” § 87(2)(b) denied hearing any officers use profanity while speaking to § 87(2)(b). Det. Ravelo did not recall making the alleged remark to § 87(2)(b) and the associated BWC footage does not capture Det. Ravelo use the word, “fuck,” when warning § 87(2)(b) not to invade his personal space. § 87(2)(g)

A person is guilty of public lewdness when he or she intentionally exposes the private or intimate parts of his or her body in a lewd manner or commits any other lewd act: (a) in a public place [...] Public lewdness is a class B misdemeanor. NYS Penal Law, §245.00 (a) (BR12).

A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter’s consent; [...] Sexual abuse in the third degree is a class B misdemeanor. [...] NYS Penal Law §130.55 (BR13).

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. [...] In determining whether the use of force is reasonable, members of the service should consider the following: (a.) The nature and severity of the crime/circumstances (b.) Actions taken by the subject (c.) Duration of the action (d.) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders (e.) Whether the subject is actively resisting custody (f.) Whether the subject is attempting to evade arrest by flight (g.) Number of subjects in comparison to the number of MOS (h.) Size, age, and condition of the subject in comparison to the MOS (i.) Subject’s violent history, if known (j.) Presence of hostile crowd or agitators (k.) Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence. NYPD Patrol Guide, Procedure 221-01 (BR10).

It was undisputed that Det. Ravelo told § 87(2)(b) “if you invade my space again, I’m going to put you down,” swatted § 87(2)(b) hand away, and told § 87(2)(b) if he invaded his personal space again, he would arrest him. However, given that § 87(2)(b) prior conduct—exposing and attempting to touch Det. Ravelo with his genitals, both arrestable offenses under Penal Laws §245 and §130.55—§ 87(2)(g)

Moreover, given § 87(2)(b) generally hostile conduct, his remark that, “a cop’s job is to die,” and the unlawful acts he previously engaged in when he last stood next to Det. Ravelo, § 87(2)(g)

§ 87(2)(g)

Allegation N—Abuse of Authority: Sergeant Alexander Rapp refused to provide his name to

§ 87(2)(b)

Allegation O—Abuse of Authority: Detective Robert Altieri refused to provide his name to

§ 87(2)(b)

Allegation P—Abuse of Authority: Detective Brandon Ravelo refused to provide his name to

§ 87(2)(b)

Allegation Q—Abuse of Authority: Sergeant Alexander Rapp refused to provide his shield number to

Allegation R—Abuse of Authority: Detective Robert Altieri refused to provide his shield number to

Allegation S—Abuse of Authority: Detective Brandon Ravelo refused to provide his shield number to

§ 87(2)(b) stated (BR05) that during the incident, he requested all three officer's names and their shield numbers. While Det. Altieri told § 87(2)(b) that his name was "Al," Det. Ravelo and Sgt. Rapp did not provide their names, and none of the officers provided their shield numbers to § 87(2)(b).

Contrapuntally, § 87(2)(b) stated (BR11) that when § 87(2)(b) asked the officers for their names and shield numbers, each officer verbally provided their name and shield number, which § 87(2)(b) recorded in his phone. § 87(2)(b) account is corroborated by Det. Ravelo's BWC footage beginning at the 09:30 (BR01), wherein § 87(2)(b) asks Det. Ravelo, Det. Altieri, and Sgt. Rapp, respectively, for their names and shield number, which all three officers provide.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- Sergeant Rapp, a 14-year-member-of-service, has had five prior CCRB complaint filed against him, with a total of 12 allegations, none of which have been substantiated (see Officer History).
§ 87(2)(g), § 87(4-b)
- Det. Altieri, a 10-year-member-of-service, has had two prior CCRB complaints filed against him, with a total four allegations, none of which were substantiated (see Officer History). Det. Altieri has one frisk allegation.
- Det. Ravelo, a 12-year-member-of-service, has had (16) prior CCRB complaints filed against him, with a total of (47) allegations, none of which were substantiated (see Officer History). Among the allegations not substantiated were seven physical force allegations, two offensive language allegations, seven discourtesy allegations, four threat of force allegations, four threat of arrest allegations, and one stop allegation. § 87(2)(g), § 87(4-b)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of November 4, 2021, neither § 87(2)(b) nor his attorney has filed a Notice of Claim with the New York City Comptroller's Office with regard to this incident (BR15).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 10

Investigator:	<u>Griffin Sherbert</u> Signature	<u>Griffin Sherbert</u> Print Title & Name	<u>11/23/2021</u> Date
Squad Leader:	<u>Eric Rigie</u> Signature	<u>IM Eric Rigie</u> Print Title & Name	<u>11/24/2021</u> Date

Reviewer:

Signature

Print Title & Name

Date